

FILED

1 2006

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA**

B1

-DEP-

6 In the Matter of the Search of:) 3:06-MJ-0263-VPC
12720 Buckthorne Lane, Reno, Nevada)

7

⁸ Storage Units 136, 140, 141, 142 and 143,
⁹ Double R Storage, 888 Maestro Drive,
Reno, Nevada

3:06-MJ-0263-VPC

ORDER TO SHOW CAUSE

December 1, 2006

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2 On November 30, 2006, the Government filed under seal an *ex parte* motion for clarification of
3 Order of November 28, 2006. See “Government’s Ex Parte Motion for Clarification of Order of
4 November 28, 2006,” (Nov. 30, 2006). Upon review of the motion, this court determined on December
5 1, 2006 that there was no basis for the motion to be submitted to the court *ex parte* and ordered the
6 Government to serve a copy of its *ex parte* motion on counsel for Dennis Montgomery, Brenda
7 Montgomery, and the Montgomery Family Trust (“Montgomery”) via facsimile by noon on December
8 1, 2006. See Minute Order (Dec. 1, 2006).

The Government subsequently filed an objection and notice of intent to appeal this court's December 1, 2006 order requiring the Government to serve its *ex parte* motion for clarification on opposing counsel. See "Government's Objection and Notice of Intent to Appeal Order of December 1, 2006," (Dec. 1, 2006). In its objection, the Government stated "The Government will not, however, serve the ex parte motion for clarification on opposing counsel until final action on their appeal is taken."

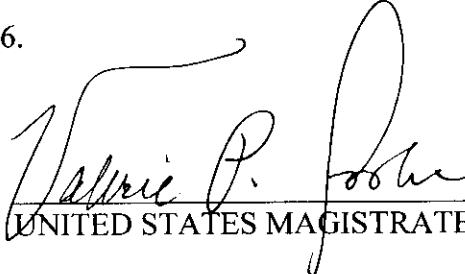
Based on the foregoing and for good cause appearing,

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1 IT IS HEREBY ORDERED that all parties shall appear before the United States District Court
2 for the District of Nevada before the Honorable Valerie P. Cooke, United States Magistrate Judge, 400
3 South Virginia Street, Fourth Floor, Courtroom One, Reno, Nevada 89501 at 10 a.m. on the 4th day of
4 December, 2006, to show cause why the Government has failed to comply with this court's order of
5 December 1, 2006.

7 IT IS SO ORDERED.

8 Dated this 1st day of December, 2006.

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11 UNITED STATES MAGISTRATE JUDGE
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United States District Court District of Nevada

Bruce R. Thompson U.S. Courthouse and Federal Building
400 South Virginia Street, Room 404
Reno, Nevada 89501

Chambers of Valerie P. Cooke
United States Magistrate Judge

Telephone: (775) 686-5855
Facsimile: (775) 686-5864

FAX TRANSMITTAL

DATE: December 1, 2006

THE FOLLOWING PAGES ARE BEING FAXED TO:

NAME: Michael J. Flynn, Esq. (#1-858-759-0711)
Phillip Stillman, Esq. (#1-858-759-0711)
Ronald Logar, Esq. (#786-7544)
Eric A. Pulver, Esq. (#786-7544)
Paul Pugliese, Esq. (#784-5181)

RE: In the Matter of the search of 12720 Buckthorn Lane

NUMBER OF PAGES INCLUDING COVER SHEET: 3

FROM: The Honorable Valerie P. Cooke
United States Magistrate Judge

PHONE: (775) 686-5855

FAX NO.: (775) 686-5864

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003		03:11PM	97845181	0:00:59	3	OK	SG3 0025
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